**REMARKS**

Claims 1-86 were pending in the application. Claims 17-19, 35-37, 52-54, 65-67 and 83-85 have been canceled. Claims 1, 5, 6, 12-16, 20, 21, 23-27, 30-34, 38-40, 42, 44, 47, 48-51, 55, 56, 58, 60-64, 68, 69, 72-75, 78-82 and 86 have been amended. Claims 1-16, 20-34, 38-51, 55-64, 68-82 and 86 accordingly remain pending in the application.

Information Disclosure Statement

Applicant submits herewith an Information Disclosure Statement including the applications disclosed on pgs. 10 and 11 of the specification.

Claim Objections

Applicant has amended claim 86 to correct the typographical error noted by the Examiner.

Specification Objections

Applicant has amended the claims or the specification in a manner that is believed to cure the instant rejections. *See* MPEP § 608.01(l).

With regard to the "removably receiving" language recited in claims 16, 18, 34, 36, 51, 53, 64, 66, 82, and 84, Applicant has either removed the term or canceled the claim.

With regard to "configuration master" recited in claims 5 and 6, Applicant has amended these claims to recite "a master service processor," which is supported at least at pg 36, line 31-pg37, line 9.

With regard to "cryptographic operation" recited in claim 42 and 43, Applicant has amended the specification in a manner that is believed to overcome this rejection.

With regard to "production time" recited in claim 57, Applicant has amended the specification in a manner believed to overcome this rejection.

With regard to "reversement action" in claim 73, Applicant has amended the specification in a manner believed to overcome this rejection.

<u>Drawing Objections</u>

The Examiner objected to the drawings under 37 C.F.R. § 1.83(a) as failing to show "every feature of the invention specified" in the claims 1, 20, 21, 38, 56, 68, 69, and 86. *See* Office Action at 3. In particular, the Examiner objects to the drawings as deficient for allegedly failing to show various "wherein" clauses specified in the pending claims.

Applicant vigorously disagrees with these objections, and respectfully submits that there is no basis for interpreting § 1.83(a) to require drawings to show every word in every claim (which is essentially what the present Office Action seems to do). For example, if a claim recites "X," and then later recites "wherein X [is configured in a certain way]," all § 1.83(a) requires is that X be shown in a drawing. Below, Applicant demonstrates that each "feature" alleged by the Examiner to be missing from the drawings is, in fact, present, and that § 1.83(a) is therefore satisfied.

*Claims 1 and 20*

Claim 1 and 20 are supported at least in Fig. 9 where a combined switch and service processor (CSSP) 71 including a switch 730 and service processor 740 are shown. In the description of the Fig. 9, the specification provides further support for these features on pg. 36, lines 22-28 and pg. 37, lines 16-28.

*Claims 21 and 38*

Claims 21 and 38 are supported at least in Fig. 9 where a combined switch and service processor (CSSP) 71 including a switch 730 and service processor 740 are shown. In the description of the Fig. 9, the specification provides further support for these features on pg. 29, lines 9-14, pg. 36 lines 4-8, and pg. 38, lines 5-12.

*Claims 56 and 68*

Claims 56 and 68 are supported at least in Fig. 9 where a combined switch and service processor (CSSP) 71 including a switch 730 and service processor 740 are shown. In the description of the Fig. 9, the specification provides further support for these features on pg. 38, lines 14-22.

Claims 69 and 86 are supported at least in Fig. 9 where a combined switch and service processor (CSSP) 71 including a switch 730 and service processor 740 are shown. In the description of the Fig. 9, the specification discloses that fault management unit is located within the service processor unit 740 (shown in Fig. 9) on pg 39, line 14. The specification provides additional support for the claimed features on pg. 39, lines 9-31.

<u>Section 112 Rejections</u>

The Examiner rejected claims 1, 6, 12-15, 21, 30-33, 39-40, 42, 47-50, 56, 58, 60-63, 69, and 78-81 for reciting the term "operable." Applicant disagrees with this rejection, and submits that the use of this term is definite. Applicant has amended the claims to recite "configured," which is believed to overcome these rejections. For example, claim 1 has been amended to recite "wherein the service processor portion is *configured* to operate in a master/slave relationship with a service processor portion of a further combined switch and service processor module of the modular computer system." Applicant submits that this recitation makes clear that "the service processor portion" has a structure that, during use, permits the service processor portion to "operate in a master/slave relationship" as recited in the claim. This recitation distinguishes, for example, over a structure that *cannot*, during use, operate in a master/slave relationship as recited in the claim.

The Examiner rejected claims 16, 18, 34, 36, 51, 53, 64, 66, 82, and 84 for reciting "removably received therein." Applicant has amended or canceled these claims in a manner that is believed to overcome these rejections.

The Examiner rejected claims 14, 32, 47, 56, 58, 68, and 81 for reciting "its" or "itself." Applicant has amended the claims in a manner that is believed to overcome these rejections.

The Examiner rejected to independent claims 1 and 21 under 35 U.S.C. 102 as being anticipated by Schwartz et al. (U.S. Pub. No. 2005/0071625)[1]. Applicant disagrees with these rejections.

Schwartz is directed to the "booting up and configuring multimode computer systems using a scalability management module." Schwartz 1:9-11. As Schwartz explains, "[t]he scalability management module sets and maintains configuration parameters for the multi-node computer." *Id.* at Abstract. "If one of the nodes is removed from the multi-node computer, a hot-spare node can be dynamically configured to replace the removed node without having to reconfigur[e] or physically reconnect the remaining nodes." *Id.* To this end, Schwartz discloses that the "scalability management module (SMM) 212" includes a "master scalability chipset 210" and "each node 204" includes a "slave scalability chipset 208" storing "controller information." *Id.* at 2:50-58. When each computer node 204 boots up, "a single master scalability chipset may configure all slave scalability chipsets 208." *See id.* at 2:50-58 and 4:4:21.

*Claim 1*

Claim 1 recites a "service processor portion" and then subsequently that "the service processor portion is configured to operate in <u>master/slave relationship</u> <u>with</u> a service processor portion of <u>a further combined switch and service processor module</u> of the modular computer system." While Schwartz discloses a scalability management module 212 including a "service processor 214" and "master scalability chipsets 210," Schwartz does not teach or suggest that module 212 is "configured to operate in master/slave relationship with a service processor portion of <u>a further combined switch and service processor module</u>" as recited in claim 1. Instead, Schwartz merely discloses "a single master scalability chipset 210 [that] may configure all slave scalability chipsets 208." Schwartz 2:50-58. Schwartz's nodes 204 are not and do not include a "further combined switch and service processor module" as recited in claim 1. Furthermore, because Schwartz does not teach or suggest "a service processor portion of a further combined switch and service processor module," it follows that Schwartz does not teach

or suggest "automatically synchronis[ing] management information with the service processor portion of the separate combined switch and service processor via the data interface in accordance with the master/slave relationship" as recited in claim 1.

For at least these reasons, Applicant submits that claim 1 is patentably distinct over Schwartz. Claim 1 and its dependent claims are therefore believed to be in condition for allowance. Independent claims 16 and 20 are believed to be patentably distinct over the cited references for at least reasons similar to those given for claim 1.

*Claim 21*

The Examiner cites element 212 of Schwartz for claim 21's "switch portion" and "service processor portion," but then cites paragraph [0022] as teaching that "the switch and service processor portions are each configured to communicate with the external management entity to obtain a respective unique address," as recited in claim 21. Paragraph [0022] of Schwartz, however, describes the process of a "booting node." Applicant submits that Schwartz's nodes 204 do not include a "switch portion" or a "service processor portion," much less both. Schwartz certainly does not teach or suggest that the "switch and service processor are *each* configured to communicate with the external management entity to obtain a *respective* unique address…." as recited in claim 21.

For at least these reasons, claim 21 and its dependent claims are believed to patentably distinguish over the cited references. Independent claims 34 and 38 are believed to be patentably distinct over the cited references for at least reasons similar to those given for claim 21.

Section 103 Rejections

*Claim 39*

The Examiner rejected independent claim 39 under 35 U.S.C. 103(a) as being unpatentable over Schwartz in view of Chu et al. (U.S. Pub. No. 2005/0097360). Applicant traverses this rejection.

Chu is directed to "managing a secure network boot of a secondary server (server blade)." Chu (Abstract). "The server blade sends a request, via an Ethernet switch, for a boot

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1 Applicant notes that 1) Schwartz et al. issued as Almeida et al. U.S. Patent No. 7,146,497 and 2) Chu issued as U.S. Patent No. 7,120,787. All cites presented herein for these references are from the reference's corresponding

program to multiple Dynamic Host Configuration Protocol (DHCP) servers." *Id.* "One of the DHCP servers responds with an address of at least one Pre-boot Execution Environment (PXE) server that can upload a boot program to the server blade." *Id.* In the event that this response "is from an unauthorized DHCP server," "the administrator is notified." *Id.* at 3:32-34.

In the Office Action, the Examiner appears to allege that Chu's administrator notification feature teaches the "service processor portion configured to receive communications via the user interface and forward communications between the external management entity and the switch portion." To the extent that the Examiner is making such a suggestion, Applicant disagrees. First, Chu does not appear to indicate that this administrator notification is related to a "service processor." Instead, Chu states "the administrator is notified via, an SNMP trap or via the Management Module interface." Chu at 60-62. Applicant notes that management module 202 is separate from Chu's service processors 208a-c. *See id.* at Fig. 2. Second, while Chu discloses service processors 208a-c, Chu does not disclose that service processors 208 are "configured to receive communications via the user interface and forward communications between the external management entity and *the switch portion*" as recited in claim 39. *See id.* at Fig. 2 and 2:49-54.

For at least these reasons, claim 39 and its dependent claims are believed to distinguish over the cited references. Independent claims 51 and 55 are believed to be patentably distinct for at least reasons similar to those given for claim 39.

*Claim 56*

The Examiner rejected independent claim 56 under 35 U.S.C. 103(a) as being unpatentable over Schwartz in view of Ohkubo et al. (U.S. Patent No. 5,276,683). The Examiner alleges that Schwartz teaches the "switch and service processor portions [] each configured to create a respective unique identifier using data unique to the respective portion" feature and that Ohkubo teaches "wherein the service processor portion is configured to supply the service processor potion's unique identifier to the switch portion...." Applicant traverses this rejection.

With respect to the "unique identifier" feature of claim 56, the Examiner points to col. 3, lines 48-50 of Schwartz, which states that "the SMM [212] also reads a list of Universal Unique Identifiers (UUIDs) for each node." As has been argued above, Schwartz's "nodes" do not include a "switch portion" and a "service processor portion." Furthermore, Schwartz does not

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U.S. patents.

disclose that "active switch mechanism 222" or "service processor 214," much less each element, is "configured to create a unique identifier." *See id.* at 3:7-25. Third, Schwartz does not appear to disclose that its UUIDs are created "using data unique to the respective portion" as recited in claim 56.

With regard to Ohkubo, Ohkubo is directed to "detecting an ID code attached to data received from a network and transferring the received data to an instrument corresponding to the detected ID code." Ohkubo 1:6-10. In particular, Ohkubo is a "multiplex communication system" for use in cars, where examples of the coded data include "the rotation speed of the engine and the speed of the car" *See id.* at 1:10-16. Notably, Ohkubo fails to disclose a "service processor" as recited in claim 56. Ohkubo therefore does not teach or suggest the additional limitations of claim 56 acknowledged by the Examiner to be absent from Schwartz. Because Schwartz and Ohkubo do not teach or suggest the limitations of claim 56 alleged by the Examiner, Applicant submits that the proposed combination of Schwartz and Ohkubo would fail to teach or suggest each and every limitation of claim 56. *See* MPEP § 2143.03.

For at least these reasons, claim 56 and its dependent claims are believed to distinguish over the cited references. Independent claims 64 and 68 are believed to be patentably distinct for at least reasons similar to those given for claim 56.

*Claim 69*

The Examiner rejected to independent claim 69 under 35 U.S.C. 103(a) as being unpatentable over Schwartz in view of Anderson et al. (U.S. Patent No. 5,940,491)

Anderson is directed to telephone communications. *See* Anderson 2:60-67. In particular, Anderson is concerned with "controlling establishment of telecommunications call connections in a telecommunications network." *Id.* at Abstract. The Examiner appears to rely on Anderson to teach the "fault management unit" and related features of claim 69 because Anderson mentions the phrase "fault management" once. Applicant notes, however, that Anderson fails to disclose several features of claim 69. First, Anderson does not disclose a "fault management unit [] configured to intercept fault messages," as recited in claim 69. Second, Anderson does not disclose "fault messages generated by the switch portion and the service processor portion." Third, Anderson does not disclose a fault management unit "perform[ing] rationalisation processing on those messages." Fourth, Anderson does not disclose a fault management unit

"determin[ing] whether to forward a given message to the external management entity."
Because Anderson does not teach or suggest the limitations missing from Schwartz, Applicant
submits that the proposed combination of Schwartz and Anderson would fail to teach or suggest
each and every limitation of claim 69. *See* MPEP § 2143.03.

For at least these reasons, claim 69 and its dependent claims are believed to distinguish
over the cited references. Independent claims 82 and 86 are believed to be patentably distinct for
at least reasons similar to those given for claim 69.


## CONCLUSION

Applicant respectfully submit the application is in condition for allowance, and an early
notice to that effect is requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-
referenced application from becoming abandoned, Applicant hereby petitions for such extension.

The Commissioner is authorized to charge any fees that may be required, or credit any
overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No.
501505/5681-85400/DMM.

Respectfully submitted,


Date: <u>September 29, 2008</u>            By: <u>/Dean M. Munyon/</u>
                                              Dean M. Munyon
                                              Reg. No. 42,914


Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.
P. O. Box 398
Austin, Texas 78767
(512) 853-8847